

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE SYNCHRONOSS
TECHNOLOGIES, INC. SECURITIES
LITIGATION

Civil Action No. 17-7173 (FLW) (LHG)

THIS DOCUMENT RELATES TO:

ALL ACTIONS

ORDER

THIS MATTER having been opened to the Court by Harvey Bartle, Esq., counsel for Defendants Stephen G. Waldis, William J. Cadogan, Thomas J. Hopkins, James M. McCormick, and Donnie M. Moore and Nominal Defendant Synchronoss Technologies, Inc. (“Synchronoss” or the “Company”)(collectively, “Defendants”) on a Motion to Dismiss, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 23.1; it appearing that Lead Plaintiff Lisa Leboeuf (“Lead Plaintiff”), through her counsel, Jennifer Sarnelli, Esq., opposes the motion; the Court having considered the submissions of the parties without oral argument, pursuant to Fed. R. Civ. P. 78; for the reasons set forth in the Opinion filed on this date, and for good cause shown,

IT IS on this 26th day of November, 2019,

ORDERED that Defendants’ Motion to Dismiss [ECF No. 49] is **DENIED** because Lead Plaintiff has adequately alleged demand futility; it is further

ORDERED Lead Plaintiff’s one-count breach of fiduciary duty claim is limited to the breach of the duty of loyalty stemming from Defendants’ material misstatements regarding the financial terms of the Activation Divestiture and the omissions regarding the \$9.2 million licensing fee revenue and its impact on the company’s Fourth Quarter 2016

financial results; if Plaintiff determines, through discovery, that she has a basis to adequately allege breaches of fiduciary duty premised on other theories, Plaintiff may file a motion for leave to amend her Complaint.

/s/ Freda L. Wolfson
Freda L. Wolfson
U.S. Chief District Judge